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Attorneys for Plaintiff:
PEOPLE OF THE STATE OF CALIFORNIA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO DIVISION

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. COUNTRYWIDE FINANCIAL CORPORATION, *et al.*, Defendants.	Case No. 08-CV-1348-JLS-BLM **JOINT MOTION TO SET DEADLINE FOR DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT** Judge: Hon. Janis L. Sammartino

Pursuant to CivLR 7.1 and 12.1, Plaintiff People of the State of California ("Plaintiff") and Defendants Countrywide Financial Corporation, Bank of America Corporation, Angelo Mozilo, David Sambol, Stanford Kurland and Carlos Garcia (collectively, "Defendants"), hereby stipulate to, and jointly move this Court for an order setting, October 6, 2008, as the deadline for Defendants to answer or otherwise plead in response to Plaintiff's Complaint in this action. (A form of Proposed Order has been submitted to this Court contemporaneously herewith.)

As grounds for this Joint Motion, Plaintiff and Defendants stipulate and agree as follows:

1. On July 23, 2008, Michael J. Aguirre, acting in his official capacity as City Attorney for the City of San Diego, filed a "Complaint for Injunction, Restitution, other Equitable Remedies, and Civil Penalties" ("Complaint") in the name of the People of the State of California against Defendants in the Superior Court of California for the County of San Diego (the "State Court Action").

2. Thereafter, on July 25, 2008, and before service of the Complaint was effected upon any of them, Defendants removed the State Court Action to this Court on the bases of federal-question jurisdiction and bankruptcy jurisdiction. *See Notice of Removal of Action Under 28 U.S.C. §§ 1331, 1334, 1441(b), 1446 & 1452 (Federal Question and Bankruptcy Jurisdiction)* (July 25, 2008).

3. Under Fed. R. Civ. P. 81(c)(2), Defendants' time to answer following removal is 20 days after service of the Complaint and summons. Fed. R. Civ. P. 81(c)(2).

4. Since service had not been effected upon any of the Defendants at the time of the removal, Defendants' counsel contacted Plaintiff's counsel to discuss a potential agreement to accept service and a mutually agreeable date for Defendants to answer or otherwise plead in response to the Complaint.

5. As a result of conferences between the parties, Defendants' counsel agreed to accept service of the Complaint effective as of August 7, 2008, and Plaintiff and Defendants agreed that Defendants shall have up to and including October 6, 2008 to answer or otherwise plead in response to the Complaint. This agreed-upon deadline is in accord with Fed. R. Civ. 4(d)(3), which provides that a defendant "who, before being served with process, timely returns a

waiver [of service] need not serve an answer until 60 days after the [waiver] request was sent." Fed. R. Civ. P. 4(d)(3). Indeed, October 6, 2008, is the final day of the 60-day period provided for Defendants to answer under Rule 4(d)(3).

6. In light of Defendants' agreement to waive service of process in accordance with Fed. R. Civ. P. 4(d), Plaintiff and Defendants have stipulated and agreed to the October 6, 2008, date to ensure that each has the same understanding of the deadline for Defendants to answer or otherwise plead in response to the Complaint.

7. Against this background, there is good cause for entry of the requested Proposed Order and no party will prejudiced by it.

WHEREFORE, for all the foregoing reasons, Plaintiff and Defendants respectfully request that this Court set October 6, 2008, as the deadline for Defendants to answer or otherwise plead in response to the Complaint, and enter the Proposed Order submitted herewith.

Respectfully submitted,

Dated: August 19, 2008 By: s/ Brooks R. Brown

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10250 Constellation Blvd., Los Angeles, CA 90067.

On **August 19, 2008**, I served on the interested parties in said action the within:

JOINT MOTION TO SET DEADLINE FOR DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT

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☑ By (ELECTRONIC MAIL) I caused the above document(s) to be transmitted to the office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set forth above pursuant to Fed.R.Civ.P.5(d)(1). *"A* Notice of Electronic *Filing (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof of service as* required *by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to any document served in the traditional manner upon any party appearing pro se."*

And/or

by placing a true copy thereof in a sealed envelope(s) addressed as stated above and causing such envelope(s) to be deposited in the U.S. Mail at Los Angeles, California.

☑ (MAIL) I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

☐ (OVERNIGHT DELIVERY) by depositing in a box or other facility regularly maintained by Federal Express , an express service carrier, or delivering to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed as stated above, with fees for overnight delivery paid or provided for and causing such envelope(s) to be delivered by said express service carrier.

I declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that the foregoing is true and correct.

Executed on **August 19, 2008**, at Los Angeles, California.

Brooks R. Brown	s/ Brooks R. Brown
(Type or print name)	(Signature)